

Message

From: Stenger, Wren [stenger.wren@epa.gov]
Sent: 12/26/2018 5:44:03 PM
To: Donaldson, Guy [Donaldson.Guy@epa.gov]; Price, Lisa [Price.Lisa@epa.gov]
Subject: Re: SO2 reconsideration

Okay. Rather than calling Clint, I will start with Mike Koerber.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Background:

On December 13, 2016, portions of Freestone and Anderson Counties, Rusk and Panola Counties, and Titus County were designated as nonattainment for the 2010 primary sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS).

On September 21, 2017, the EPA responded to Vistra Energy's February 2017 petition for reconsideration by indicating an intent to undertake an administrative action with notice and comment to revisit the nonattainment designations for the three areas.

On October 12, 2017, the Fifth Circuit Court of Appeals granted EPA's motion to place the consolidated challenges to the Round 2 Supplement in abeyance on this basis

July 13, 2018 was the deadline for TCEQ to provide an attainment plan. EPA is vulnerable to a suit for failing to find TCEQ failed submit.

Two of the three power plants have shutdown. Martin Lake continues to operate.